



**FEMA**

February 7, 2019

Curtis Waltman  
MuckRock  
DEPT MR 35370  
Somerville, Massachusetts 02144-2516

Re: **FEMA FOIA Case Number 2017-FEFO-01512**

Dear Mr. Waltman:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated March 30, 2017 and received in this office on March 31, 2017. You requested any intelligence reports, open source reports, emails, intelligence data, photographs, film footage, or notes, concerning the NoDAPL protests at Standing Rock from August 1, 2016 to the date this request is processed.

A search of FEMA's Region VIII for documents responsive to your request produced a total of 7,844 pages. Of those pages, I have determined that 7,155 pages of the records are releasable in their entirety, 501 pages are partially releasable, and 53 pages are withheld in their entirety, pursuant to Title 5 U.S.C. § 552(b)(5) and (b)(6). The remaining 135 pages were referred to other agencies in full, for direct response to you.

**FOIA Exemption 5** protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, we determined that portions of the responsive documents qualify for protection under the following privilege(s):

- **Deliberative Process Privilege**

The deliberative process privilege protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel.

**FOIA Exemption 6** exempts from disclosure of personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have the right to appeal if you disagree with FEMA's response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA's initial determination on your FOIA request was erroneous in your correspondence, and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 days from the date of this letter to [fema-foia@fema.dhs.gov](mailto:fema-foia@fema.dhs.gov), or alternatively, via mail at the following address:

FEMA  
Office of the Chief Administrative Officer  
Information Management Division (FOIA Appeals)  
500 C Street, SW, Seventh Floor, Mail Stop 3172  
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road- OGIS  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770/Toll-free: 1-877-684-6448  
Facsimile: 202-741-5769

135 pages were referred to Customs and Border Patrol (CBP), the Department of Homeland Security (DHS), the Department of Energy (DOE), the Department of the Interior (DOI), the Department of Justice (DOJ), the Environmental Protection Agency (EPA), the Federal Bureau of Investigation (FBI), Housing and Human Services, the U.S. Army (USA), and the Executive Office of the President (EOP) for processing and a direct response. You may contact their offices directly at:

Sabrina Burroughs  
FOIA Officer  
U.S. Customs & Border Protection  
1300 Pennsylvania Ave., NW, Room #3.3D  
Washington, DC 20229-1181  
[sabrina.burroughs@dhs.gov](mailto:sabrina.burroughs@dhs.gov)  
202-325-0150

Sam Kaplan  
Chief FOIA Officer  
245 Murray Lane, SW  
Washington, DC 20528-0655

foia@hq.dhs.gov  
202-343-1743  
866-431-0486

Alexander Morris  
FOIA Officer  
Mail Stop MA-46  
1000 Independence Avenue, SW  
Washington, DC 20585  
foia-central@hq.doe.gov  
202-586-3159

Lance Purvis  
FOIA Officer, MS-6540, MIB  
Department of the Interior  
Office of the Solicitor  
1849 C Street, NW  
Washington, DC 20240  
lance.purvis@sol.doi.gov  
202-208-5817

FOIA Requester Service Center  
FOIA Public Liaison  
FOIA/PA Mail Referral Unit  
Justice Management Division, Room 115, LOC Building  
Washington, DC 20530  
MRUFOIA.Requests@usdoj.gov  
(202) 616-3837

Larry Gottesman  
FOIA Public Liaison  
Regional Freedom of Information Officer  
U.S. EPA, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
gottesman.larry@epa.gov  
202-566-1667  
303-312-6856

Dr. James Holzer  
Deputy, FOIA Officer  
Building 410, Mail Stop #0655  
245 Murray Lane, SW  
Washington, DC 20528-0655  
james.holzer@hq.dhs.gov  
202-648-7390

202-648-8740

Michael G. Seidel  
FOIA Public Liaison  
Record/Information Dissemination Section  
Records Management Division  
170 Marcel Drive  
Winchester, VA 22602-4843  
foia@usdoj.gov  
540-868-2101  
540-868-1535

Carl G. Mitchell, FOIA Officer  
FOIA Office  
Division of Regulatory Affairs,  
5600 Fishers Lane, Mailstop 09E70  
Rockville, MD 20857  
301-443-1116  
ihsfoiamailbox@ihs.gov

FOIA Officer  
U.S. Army Freedom of Information Office  
Casey Building, Suite 150  
ATTN: AAHS-RDF  
7701 Telegraph Road  
Alexandria, VA 22315-3905  
(703) 428-6238  
FAX: (703) 428-6522  
usarmy.belvoir.hqda-oaa-ahs.mbx.rmda-foia@mail.mil

Provisions of the FOIA allow us to recover part of the cost of complying with your request. As a courtesy, FEMA will not charge the fees incurred in the processing of this request.

If you need any further assistance or would like to discuss any aspect of your request, please contact us and refer to FOIA case number **2017-FEFO-01512**. You may send an e-mail to [fema-foia@fema.gov](mailto:fema-foia@fema.gov), call (202) 646-3323, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,

**JOHN C**  
**MANIHA**

Digitally signed by  
JOHN C MANIHA  
Date: 2019.02.07  
11:19:02 -05'00'

John Maniha  
Government Information Specialist  
Disclosure Branch  
Information Management Division  
Mission Support

Enclosure(s): Responsive Documents on CD (7,656 pages)

